

Representative Hall, Atlanta, Georgia**Monday, February 6, 2006**

The House met pursuant to adjournment at 1:00 o'clock, P.M., this day and was called to order by the Speaker.

The following communication was received:

House of Representatives
Legislative Office Building, Room 404
Atlanta, Georgia 30334

February 6, 2006

Memo

Robbie Rivers, Clerk
House of Representatives
309 State Capitol
Atlanta, Georgia 30334

Dear Mr. Clerk:

Please excuse my absence, today I will be attending the Funeral Services of Frank Eldridge, Secretary of the Senate, held at the First Baptist Church of Waycross at 4:00pm today.

Sincerely,
/s/ Mark Hatfield
Representative Mark Hatfield

MH/jr

The roll was called and the following Representatives answered to their names:

Abdul-Salaam	Davis	Horne	Maxwell	Scott, A
Amerson	Day	E Hudson	McCall	Scott, M
Anderson	Dickson	Hugley	E McClinton	Setzler
Ashe	Dodson	E Jackson	Meadows	Sheldon
Barnard	Drenner	Jacobs	E Millar	Sims, C
Bearden	Dukes	James	Mills	Sims, F
Benton	Ehrhart	Jamieson	Mitchell	Smith, B
Black	England	Jenkins	Morris	Smith, L
E Borders	Everson	Jennings	Mosley	Smith, P

Bridges	Fleming	Johnson	Mumford	Smith, R
Brooks	Floyd, J	Jones, J	Murphy, J	E Smith, T
Brown	Fludd	Jones, S	Murphy, Q	Smith, V
Bruce	Forster	Keen	Neal	Stephens
Bryant	Franklin	Keown	Oliver	Talton
Buckner, D	Freeman	Kidd	O'Neal	Teilhet
Buckner, G	Gardner	Knox	E Parham	Thomas, B
Burkhalter	Geisinger	Lakly	Parrish	Tumlin
Burmeister	Golick	Lane, B	Parsons	Walker
Byrd	Graves, D	Lane, R	Ralston	Warren
E Carter	Graves, T	Lewis	E Ray	Watson
Chambers	Greene	Lindsey	Reece, B	Wilkinson
Cheokas	Harbin	Lord	Reece, S	Willard
Coan	Heard, J	Loudermilk	Rice	Williams, A
Cole	Heard, K	Lunsford	Roberts	Williams, E
Coleman, B	Hembree	Maddox	Rogers	Williams, R
Cooper	Hill, C	Manning	Royal	Wix
Cox	E Hill, C.A	Marin	Rynders	Yates
Crawford	Holt	Martin	Scheid	Richardson,
Cummings				Speaker

The following members were off the floor of the House when the roll was called:

Representatives Barnes of the 78th, Beasley-Teague of the 65th, Bordeaux of the 162nd, Butler of the 18th, Casas of the 103rd, Channell of the 116th, Dean of the 59th, Dollar of the 45th, Epps of the 128th, Floyd of the 99th, Hanner of the 148th, Heckstall of the 62nd, Holmes of the 61st, Howard of the 121st, Jordan of the 77th, Knight of the 126th, Lucas of the 139th, Mangham of the 94th, May of the 111th, Mosby of the 90th, Orrock of the 58th, Powell of the 29th, Randall of the 138th, Reese of the 98th, Shaw of the 176th, Smyre of the 132nd, Stanley-Turner of the 53rd, Stephenson of the 92nd, and Thomas of the 55th.

They wish to be recorded as present.

The following Resolution of the House was read and adopted:

HR 1265. By Representatives Hatfield of the 177th, Richardson of the 19th, Burkhalter of the 50th, Keen of the 179th and Fleming of the 117th

A RESOLUTION

Honoring the life and memory of Frank Eldridge, Jr.; and for other purposes.

WHEREAS, Mr. Frank Eldridge, Jr., was born on July 29, 1932, in Waycross, Georgia, and passed away February 4, 2006; and

WHEREAS, with his passing the State of Georgia has lost one of her most distinguished public servants and a beloved friend of the Georgia General Assembly and its members; and

WHEREAS, Mr. Eldridge graduated from Gordon Military College in 1950 and went on to become a respected and successful leader in the Waycross and Ware County business community; and

WHEREAS, he devoted a lifetime of service to the people of Georgia, serving as a member of the Georgia State Senate from 1965 to 1982; as executive director of the Georgia Public Service Commission from 1988 to 1992; and as Secretary of the Senate for the Georgia State Senate from 1993 until his death; and

WHEREAS, he was universally respected and admired for his wisdom, his knowledge of legislative matters, his courtesy, his wit, and his unfailing devotion to the best interests of the State of Georgia; and he performed countless selfless acts to serve the Georgia General Assembly and its members; and

WHEREAS, Mr. Eldridge is survived by his wife, Leland Eldridge; his son, Pete Eldridge; his daughter, Zeda Matich; his sister, Margaret Denton; five grandchildren; and three great-grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that the members of this body join in expressing to the family of Frank Eldridge, Jr., their condolences in this time of loss and also join in honoring and paying tribute to the life and memory of a most highly esteemed public servant who will be sorely missed by all who were privileged to know him.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to Mrs. Leland Eldridge.

The following message was received from the Senate through Mr. Ewing, the Assistant Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate:

SB 79. By Senators Williams of the 19th, Pearson of the 51st, Rogers of the 21st, Goggans of the 7th, Heath of the 31st and others:

A BILL to be entitled an Act to amend Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to competencies and core curriculum, so as to provide expressly that local boards of education are authorized to provide additional elective courses for students in specified grades; to provide for state funding of such additional elective courses; to repeal conflicting laws; and for other purposes.

- SB 391. By Senators Chapman of the 3rd, Heath of the 31st, Hill of the 32nd, Reed of the 35th, Staton of the 18th and others:

A BILL to be entitled an Act to amend Chapter 61 of Title 36 of the Official Code of Georgia Annotated, the "Urban Redevelopment Law," so as to provide for a moratorium upon the exercise of the power of eminent domain for purposes of urban development; to provide for exceptions; to provide a statement of legislative findings and a statement of intent; to provide for conflicts and construction; to provide for severability; to provide for applicability; to provide for automatic repeal; to provide for an effective date; to repeal conflicting laws; and for other purposes.

- SB 409. By Senators Hamrick of the 30th, Smith of the 52nd and Wiles of the 37th:

A BILL to be entitled an Act to amend Article 13 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to contested elections and primaries, so as to require that the courts determine contested elections and primaries on an expedited basis; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 470. By Senators Wiles of the 37th, Stoner of the 6th, Hill of the 32nd and Rogers of the 21st:

A BILL to be entitled an Act to amend an Act creating the State Court of Cobb County, approved March 26, 1964 (Ga. L. 1964, p. 3211), as amended, particularly by an Act approved May 6, 2005 (Ga. L. 2005, p. 3872), so as to change the compensation of the solicitor-general; to change the provisions relating to the compensation of assistant solicitors; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate has adopted by the requisite constitutional majority the following resolution of the Senate:

- SR 806. By Senators Williams of the 19th, Johnson of the 1st, Seabaugh of the 28th and Brown of the 26th:

A RESOLUTION relative to adjournment; and for other purposes.

The Senate has passed as amended, by the requisite constitutional majority, the following bill of the House:

HB 1068. By Representatives Ehrhart of the 36th, Tumlin of the 38th, Parsons of the 42nd, Manning of the 32nd, Golick of the 34th and others:

A BILL to be entitled an Act to amend an Act providing for the election of members of the Board of Education of Cobb County, approved March 28, 1974 (Ga. L. 1974, p. 3516), as amended, so as to provide for procedures relating to the establishment or revision of school attendance zones; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Resolution of the Senate was read:

SR 806. By Senators Williams of the 19th, Johnson of the 1st, Seabaugh of the 28th and Brown of the 26th

A RESOLUTION

Relative to adjournment; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that, unless otherwise provided by subsequent resolution of the General Assembly, the meeting dates and dates of adjournment for the 2006 regular session of the General Assembly for the period of February 3, 2006, through February 13, 2006, shall be as follows:

Friday, February 3	in session for legislative day 13
Saturday, February 4	in adjournment
Sunday, February 5.....	in adjournment
Monday, February 6	in session for legislative day 14
Tuesday, February 7	in adjournment
Wednesday, February 8.....	in session for legislative day 15
Thursday, February 9	in session for legislative day 16
Friday, February 10	in adjournment
Saturday, February 11	in adjournment
Sunday, February 12.....	in adjournment
Monday, February 13	in session for legislative day 17

BE IT FURTHER RESOLVED that on and after February 13, 2006, the periods of adjournment of the 2006 session, if any, shall be as specified by subsequent resolution of the General Assembly, except that for the remainder of the 2006 regular session, unless otherwise provided by subsequent resolution, the General Assembly shall adjourn at the

close of the legislative day on each Friday on which the General Assembly is in session and shall reconvene on the following Monday.

BE IT FURTHER RESOLVED that, as authorized by Code Section 28-1-2, the hours for closing and convening the Senate on each day may be as ordered by the Senate; and the hours for closing and convening the House on each day may be as ordered by the House.

On the adoption of the Resolution, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	E Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Y Setzler
Barnes	Y Dickson	Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	E Hudson	E Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	E Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
E Borders	Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	E Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Y Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Knight	Y Parrish	Y Teilhet
Burns	Y Geisinger	Y Knox	Y Parsons	Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
E Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the adoption of the Resolution, the ayes were 145, nays 0.

The Resolution was adopted.

The following Bill of the House was taken up for the purpose of considering the Senate amendment thereto:

HB 1068. By Representatives Ehrhart of the 36th, Tumlin of the 38th, Parsons of the 42nd, Manning of the 32nd, Golick of the 34th and others:

A BILL to be entitled an Act to amend an Act providing for the election of members of the Board of Education of Cobb County, approved March 28, 1974 (Ga. L. 1974, p. 3516), as amended, so as to provide for procedures relating to the establishment or revision of school attendance zones; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to *amend HB 1068 by striking lines 20 through 22 of page 1.*

By striking line 25 of page 1 through line 2 of page 2 and inserting in lieu thereof:

(A) The board shall be required, to the greatest extent possible, to:

- (1) Maintain efficient and effective school sizes;
- (2) Use existing school facilities efficiently;
- (3) Equalize student enrollment and capacity ratios;
- (4) Consider safety of students traveling to and from schools;
- (5) Minimize the time and distance between home and school; and
- (6) Support efficient and direct feeder patterns, when possible.

These factors shall be given priority over any other criteria;

(B)(1) No student shall be assigned or compelled to attend any school on the basis of race, creed, color, or national origin, or for the purpose of achieving equality in attendance or increased or reduced attendance at any school of persons of one or more particular race, creed, color, or national origin as may be evidenced by ethnic diversity charts or maps indicating race of students, unless otherwise ordered by a federal court or allowed by federal law based on a compelling interest.

(2) No attendance zone shall be established or revised on the basis of race, creed, color, or national origin, or for the purpose of achieving equality in attendance or increased or reduced attendance at any school of persons of one or more particular race, creed, color, or national origin as may be evidenced by ethnic diversity charts or maps indicating race of students, unless otherwise ordered by a federal court or allowed by federal law based on a compelling interest; and

By striking "(B)" on line 3 of page 2 and inserting in lieu thereof"(C)".

Representative Ehrhart of the 36th moved that the House agree to the Senate amendment to HB 1068.

On the motion, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Crawford	E Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Holmes	Y Maxwell	Y Scheid
Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Y Setzler
Barnes	Y Dickson	Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	E Hudson	E Millar	Sheldon
Beasley-Teague	Y Dollar	Hugley	Y Mills	Y Sims, C
Benfield	Drenner	E Jackson	Y Mitchell	Y Sims, F
Y Benton	N Dukes	Y Jacobs	Morgan	Sinkfield
Y Black	Y Ehrhart	James	Y Morris	Y Smith, B
Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
E Borders	Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
N Brooks	Y Fleming	N Johnson	Y Murphy, J	E Smith, T
Y Brown	Y Floyd, H	Y Jones, J	N Murphy, Q	Y Smith, V
N Bruce	Y Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Y Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
N Buckner, G	Y Franklin	Y Keown	N Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	N Gardner	Y Knight	Y Parrish	N Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	N Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
E Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	N Heard, K	Y Lunsford	Y Rice	N Williams, E
Y Coleman, B	Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Mangham	Y Rogers	N Wix
Cooper	Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the motion, the ayes were 126, nays 14.

The motion prevailed.

Representative Sheldon of the 105th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

Representative Morgan of the 39th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "nay" thereon.

The Speaker Pro Tem assumed the Chair.

Prayer was offered by Pastor Eric W. Lee, Springfield Baptist Church, Conyers, Georgia.

The members pledged allegiance to the flag.

Representative Heard of the 104th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.
2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.
6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bills and Resolutions of the House were introduced, read the first time and referred to the Committees:

HB 1244. By Representatives Scott of the 2nd, Reece of the 27th, Chambers of the 81st, Williams of the 4th, Graves of the 12th and others:

A BILL to be entitled an Act to amend Code Section 48-9-3 of the Official Code of Georgia Annotated, relating to the levy of the motor fuel tax, so as to change certain provisions regarding exemptions of sales by duly licensed bulk distributors with respect to public mass transit bases; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1245. By Representative Howard, E. of the 121st:

A BILL to be entitled an Act to amend Article 14 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to special elections and primaries generally, so as to change special election procedures for certain General Assembly vacancies; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 1246. By Representative Howard, E. of the 121st:

A BILL to be entitled an Act to amend Article 1 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to state and other flags, so as to provide for state flags to honor deceased Georgia elected state officials; to provide for definitions and legislative intent; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 1247. By Representatives Stephens of the 164th, McCall of the 30th, Smith of the 70th, Carter of the 159th, Hill of the 180th and others:

A BILL to be entitled an Act to amend Title 50 of the O.C.G.A., relating to state government, so as to provide for legislative findings; to create the Georgia Water Authority; to provide for definitions; to provide for the principal office of the authority; to provide for the nature of the authority; to provide for the composition of the authority; to provide for its officers; to provide for meetings, quorums, attendance, and notice; to provide for the expense reimbursement of members; to provide for rules and regulations; to provide for the employment of staff and consultants and advisers; to require the keeping of certain records; to provide for the purposes and powers of the authority; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

HB 1248. By Representatives Williams of the 4th, Dickson of the 6th and Tumlin of the 38th:

A BILL to be entitled an Act to amend Title 3 of the O.C.G.A., relating to alcoholic beverages, so as to provide for the comprehensive revision of

provisions regarding alcoholic beverages; to change certain provisions regarding definitions; to change certain provisions regarding license or tax forms and filings; to change certain provisions regarding certain refunds or credits; to change certain provisions regarding limitations on credit; to change certain provisions regarding seizure and disposition of contraband; to change certain provisions regarding local government licensing powers; to change certain provisions regarding criminal penalties; to change certain provisions regarding license bonds; to change certain provisions regarding license or tax stamps; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

HB 1249. By Representatives Reece of the 27th, Stephens of the 164th, Channell of the 116th, Rogers of the 26th, Mills of the 25th and others:

A BILL to be entitled an Act to amend Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to the ad valorem taxation of motor vehicles and mobile homes, so as to provide that watercraft held in inventory for resale shall be exempt from taxation; to provide for definitions; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1250. By Representatives Barnard of the 166th and Greene of the 149th:

A BILL to be entitled an Act to amend Article 9 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation management, so as to change the repeal date of the "Probation Management Act of 2004"; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Institutions & Property.

HB 1251. By Representatives Benton of the 31st, England of the 108th, Sheldon of the 105th and Mills of the 25th:

A BILL to be entitled an Act to create the Braselton Visitors Bureau Authority as a public body corporate and politic, a political subdivision of the state, and a public corporation to have the responsibility and authority to promote tourism, conventions, and trade shows in the Town of Braselton, Georgia; to provide for the creation and organization of the authority; to

provide for the appointment of the directors of the authority and their terms of office, compensation, and qualifications; to provide for meetings; to provide for legislative findings and declaration of purpose; to provide for general powers; to provide for regulations; to provide for other matters relative to the foregoing and relative to the general purposes of this Act; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1252. By Representatives Rice of the 51st, Murphy of the 23rd, Talton of the 145th and Dollar of the 45th:

A BILL to be entitled an Act to amend Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to driver training schools, so as to provide for relevant definitions; to clarify the qualifications for a limited and temporary driver school permit; to provide qualifications for commercial driver training school operators; to provide standards for business names of driver training schools; to provide for fees; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 1253. By Representatives Rice of the 51st, Murphy of the 23rd, Talton of the 145th and Dollar of the 45th:

A BILL to be entitled an Act to amend Chapter 5 of Title 40 of the O.C.G.A., relating to drivers' licenses, so as to provide for reinstatement of a minor's license upon proof of graduation from high school; to provide that social security numbers shall not be used on driver's licenses; to provide for a suspension for violation of restrictions on a driver's license; to add a license suspension for failure to appear in a federal court in this state; to clarify the habitual violator permit eligibility provisions; to provide for confidentiality of medical reports used for medical revocation of a driver's license; to change the times relating to restoring full driving privileges from a limited driving permit; to clarify that trafficking is grounds for a driver's license suspension; to amend Chapter 6 of Title 40 of the O.C.G.A., relating to the uniform rules of the road, so as to clarify the penalty for racing on a highway; to provide for related matters; to repeal conflicting laws; to provide for an effective date; and for other purposes.

Referred to the Committee on Motor Vehicles.

- HB 1254. By Representatives Knox of the 24th, Ehrhart of the 36th, Reese of the 98th, Meadows of the 5th, Keen of the 179th and others:

A BILL to be entitled an Act to provide a short title; to amend Chapter 8 of Title 33 of the Official Code of Georgia Annotated, relating to fees and taxes, so as to provide an exemption for high deductible health plans; to amend Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income taxes, so as to provide that the taxable net income of any taxpayer of this state shall not include premiums paid for high deductible health plans established and used with a health savings account; to provide for related matters; to provide for applicability; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

- HB 1255. By Representatives Mumford of the 95th, Holt of the 112th and Walker of the 107th:

A BILL to be entitled an Act to create a new judicial circuit for the State of Georgia, to be known as the Walton Judicial Circuit and to be composed of Walton County; to provide for the judges and district attorneys of said new circuit and the Alcovy Judicial Circuit and their terms, selection, and compensation; to revise and restate certain provisions of law relating to the Alcovy Judicial Circuit and to enact provisions for the Walton Judicial Circuit; to amend Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to superior courts in general, so as to provide for the composition, terms of court, and number of judges of said circuits; to provide for other related matters; to provide for an effective date and implementation; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

- HB 1256. By Representatives Benfield of the 85th, Mangham of the 94th, Bordeaux of the 162nd and Abdul-Salaam of the 74th:

A BILL to be entitled an Act to amend Title 17 of the O.C.G.A., relating to criminal procedure, so as to require a procedure for enhancing eyewitness identification accuracy; to provide for legislative findings; to provide for a short title; to provide for definitions; to provide for general guidelines relating to the development of eyewitness identification protocol and exceptions thereto; to provide for procedures to compose and present photo lineups and live lineups to witnesses; to provide for instructions to be given to witnesses who view lineups; to provide for documentation of identification

procedures; to amend Title 35 of the O.C.G.A., relating to law enforcement officers and agencies, so as to provide for training in enhancing eyewitness identification accuracy; to provide for related matters; to provide for effective dates and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1257. By Representatives Knox of the 24th, Maxwell of the 17th, Meadows of the 5th and Watson of the 91st:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to exempt certain change of address filings by agents, subagents, counselors, and adjusters from a fee; to provide for certain qualifications for a counselor's license; to provide for the maintenance by the Commissioner of Insurance of the address of the place of business of agents, subagents, counselors, and adjusters; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

HB 1258. By Representatives Willard of the 49th, Burkhalter of the 50th, Holmes of the 61st, Wilkinson of the 52nd, Lindsey of the 54th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the joint county and municipal sales and use tax, so as to provide for the continued distribution of tax proceeds pending county and municipal agreement upon a renegotiated distribution certificate; to prevent lapsing of the tax if a renegotiated distribution certificate is not timely filed; to change provisions relating to the procedure for the call of a referendum election on discontinuing imposition of the tax; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1259. By Representatives Burmeister of the 119th, Hill of the 21st, Day of the 163rd and Ralston of the 7th:

A BILL to be entitled an Act to amend Chapter 38 of Title 43 of the O.C.G.A., relating to private detectives and security agencies, so as to revise a definition; to revise the licensing process for private detectives and private security officers; to permit one or more individuals to qualify to hold the license for an individual, firm, association, company, partnership, limited

liability company, or corporation; to provide the board with authority to promulgate rules to ensure that individuals are capable of assuming full responsibility for operations of the particular individual, firm, association, company, partnership, limited liability company, or corporation; to revise the provisions for issuing permits for carrying firearms for certain private detectives and private security officers; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1260. By Representatives Neal of the 1st, Rogers of the 26th, Loudermilk of the 14th and Forster of the 3rd:

A BILL to be entitled an Act to amend Code Section 43-18-41 of the Official Code of Georgia Annotated, relating to qualifications for licensure of embalmers and funeral directors, so as to authorize waiver of a requirement for an embalmer's license for applicants for licensure as funeral directors in certain circumstances; to provide that a funeral director licensed after waiver of such requirement shall not be authorized to serve as the licensed funeral director who is in full and continuous charge of a funeral establishment or crematory; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1261. By Representatives Neal of the 1st, Forster of the 3rd, Williams of the 4th, Dickson of the 6th and Scott of the 2nd:

A BILL to be entitled an Act to amend Code Section 16-12-51 of the Official Code of Georgia Annotated, relating to definitions regarding bingo games, so as to provide a definition of nonprofit, tax-exempt organization; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1262. By Representative Lunsford of the 110th:

A BILL to be entitled an Act to amend Chapter 1 of Title 34 of the O.C.G.A., relating to general provisions relative to labor and industrial relations, so as to require labor organizations to file annual financial reports with the Commissioner of Labor; to provide for a short title; to provide for legislative intent and findings; to provide for definitions; to require certain submissions by labor organizations to the Commissioner of Labor; to provide for

maintenance of substantiating records; to provide for access to members of the labor organization; to provide for public access to the financial reports; to provide for the rules and regulations; to provide for violations; to provide for civil actions; to provide for an exception; to provide for an effective date and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Industrial Relations.

HR 1258. By Representatives Amerson of the 9th, Williams of the 4th, Reece of the 27th, Ralston of the 7th and Hembree of the 67th:

A RESOLUTION establishing the Appalachian Studies Center at North Georgia College and State University in Dahlonega as Georgia's official Appalachian Studies Center; and for other purposes.

Referred to the Committee on Higher Education.

HR 1259. By Representative Barnard of the 166th:

A RESOLUTION authorizing the granting of nonexclusive easements for operation and maintenance of facilities, utilities, and ingress and egress, in, on, over, under, upon, across or through property owned by the State of Georgia in Chatham, Coweta, Douglas, Grady, and Muscogee counties, Georgia; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Institutions & Property.

By unanimous consent, the following Bills and Resolutions of the House were read the second time:

HB 1216	HB 1234
HB 1217	HB 1235
HB 1218	HB 1236
HB 1219	HB 1237
HB 1220	HB 1241
HB 1221	HB 1242
HB 1223	HB 1243
HB 1224	HR 1225
HB 1225	HR 1226
HB 1226	HR 1227
HB 1227	HR 1228
HB 1228	HR 1229

HB 1229
HB 1230
HB 1231
HB 1232
HB 1233

HR 1232
HR 1234
HR 1235
HR 1236
HR 1237

Representative Day of the 163rd District, Chairman of the Committee on Public Safety, submitted the following report:

Mr. Speaker:

Your Committee on Public Safety has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 998 Do Pass, by Substitute

Respectfully submitted,
/s/ Day of the 163rd
Chairman

Representative Lewis of the 15th District, Chairman of the Committee on Public Utilities and Telecommunications, submitted the following report:

Mr. Speaker:

Your Committee on Public Utilities and Telecommunications has had under consideration the following Bill of the Senate and has instructed me to report the same back to the House with the following recommendation:

SB 120 Do Pass

Respectfully submitted,
/s/ Lewis of the 15th
Chairman

Representative Smith of the 168th District, Chairman of the Committee on State Planning and Community Affairs, submitted the following report:

Mr. Speaker:

Your Committee on State Planning and Community Affairs - Local Legislation has had under consideration the following Bills of the House and has instructed me to report

the same back to the House with the following recommendations:

HB 1192	Do Pass	HB 1202	Do Pass
HB 1197	Do Pass	HB 1207	Do Pass
HB 1198	Do Pass	HB 1208	Do Pass
HB 1199	Do Pass	HB 1210	Do Pass
HB 1201	Do Pass		

Respectfully submitted,
/s/ Smith of the 168th
Chairman

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR
MONDAY, FEBRUARY 6, 2006

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 14th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

HB 719	Municipalities; courts; home rule powers; maximum fines
HB 728	"Mattie's Call Act"; enact
HB 1022	Members of constitutional commissions; reimbursements; provide

Modified Open Rule

HB 912	Civil practice; production of documents; amend provisions
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Modified Structured Rule

None

Structured Rule

None

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Ehrhart of the 36th
Chairman

By unanimous consent, the following Bills of the House were taken up for consideration and read the third time:

HB 1192. By Representatives Willard of the 49th, Wilkinson of the 52nd, Geisinger of the 48th and Lindsey of the 54th:

A BILL to be entitled an Act to create the City of Sandy Springs Public Facilities Authority and to provide for the appointment of members of the authority; to confer powers upon the authority; to authorize the issuance of revenue bonds of the authority payable from the revenues, tolls, fees, charges, and earnings of the authority, contract payments to the authority, and from other moneys pledged therefor and to authorize the collection and pledging of the revenues, tolls, fees, charges, earnings, and contract payments of the authority for the payment of such revenue bonds; to authorize the execution of resolutions and trust indentures to secure the payment of the revenue bonds of the authority and to define the rights of the holders of such obligations; to make the revenue bonds of the authority exempt from taxation; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1197. By Representative Lane of the 167th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Darien ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1198. By Representative Lane of the 167th:

A BILL to be entitled an Act to provide a homestead exemption from McIntosh County school district ad valorem taxes for educational purposes in the full amount of the assessed value of the homestead for residents of that school district who are 65 years of age or over and whose annual income does not exceed \$25,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1199. By Representative Lane of the 167th:

A BILL to be entitled an Act to provide that the probate judge of McIntosh County shall serve ex officio as chief magistrate of the Magistrate Court of McIntosh County on and after a date certain; to provide an effective date; to repeal certain Acts; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1201. By Representatives Tumlin of the 38th, Golick of the 34th, Dollar of the 45th, Wix of the 33rd, Parsons of the 42nd and others:

A BILL to be entitled an Act to amend an Act creating a system of public schools for the City of Marietta in the County of Cobb, approved December 29, 1890 (Ga. L. 1890-91, Vol. II, p. 1014), as amended, so as to provide for compensation of the board; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1202. By Representatives Tumlin of the 38th, Golick of the 34th, Dollar of the 45th, Wix of the 33rd, Parsons of the 42nd and others:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Cobb County, approved June 19, 1964 (Ga. L. 1964, Ex. Sess., p. 2075), as amended, so as to change the provisions relating to the compensation of the chairperson and the other commissioners of the board;

to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1207. By Representative Powell of the 29th:

A BILL to be entitled an Act to amend the "City of Hartwell Recreation Authority Act," approved April 4, 1996 (Ga. L. 1996, p. 3998), so as to authorize the Hartwell Recreation Authority to lease, sell, transfer, or otherwise dispose of real or tangible personal property owned by the authority; to provide for the disposition of proceeds resulting from the transfer of ownership interests of such property; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1208. By Representatives Jones of the 44th, Tumlin of the 38th, Manning of the 32nd, Johnson of the 37th, Cooper of the 41st and others:

A BILL to be entitled an Act to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, approved February 9, 1949 (Ga. L. 1949, p. 427), as amended, so as to change the compensation of the deputy clerk of the superior court; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1210. By Representatives Heard of the 114th, Kidd of the 115th and Smith of the 113th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide for members of the board of the hospital authority of Clarke County," approved April 6, 1982 (Ga. L. 1982, p. 3705), so as to provide for staggered six-year terms for the members of such authority board; to provide for current membership; to provide for nominations for appointments; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

By unanimous consent, the following roll call vote was made applicable to the previously read Bills.

On the passage of the Bills, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	E Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Y Setzler
Barnes	Y Dickson	Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	N Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	E Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
E Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	E Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Burns	Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
E Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bills, the ayes were 154, nays 1.

The Bills, having received the requisite constitutional majority, were passed.

Representative Keen of the 179th was excused on the preceding roll call. Due to a mechanical malfunction, he was shown as not voting.

Representative Lucas of the 139th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representative Hugley of the 133rd stated that she inadvertently voted "nay" on the preceding roll call. She wished to be recorded as voting "aye" thereon.

By unanimous consent, the following Bills and Resolution of the Senate were read the first time and referred to the Committees:

SB 79. By Senators Williams of the 19th, Pearson of the 51st, Rogers of the 21st, Goggans of the 7th, Heath of the 31st and others:

A BILL to be entitled an Act to amend Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to competencies and core curriculum, so as to provide expressly that local boards of education are authorized to provide additional elective courses for students in specified grades; to provide for state funding of such additional elective courses; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

SB 202. By Senator Wiles of the 37th:

A BILL to be entitled an Act to amend Article 1 of Chapter 81 of Title 36 of the Official Code of Georgia Annotated, relating to local government budgets and audits, so as to provide for additional grant certification requirements with respect to subrecipients and units of local government; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs.

SB 241. By Senators Shafer of the 48th, Staton of the 18th, Cagle of the 49th, Heath of the 31st and Douglas of the 17th:

A BILL to be entitled an Act to amend Chapter 12 of Title 10 of the Official Code of Georgia Annotated, relating to electronic records and signatures, so as change provisions relating to the legal effect of electronic records and signatures; to change provisions relating to notarized documents; to amend Code Section 15-10-53 of the Official Code of Georgia Annotated, relating to

filing documents by electronic means, so as to correct a cross-reference; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

SB 391. By Senators Chapman of the 3rd, Heath of the 31st, Hill of the 32nd, Reed of the 35th, Staton of the 18th and others:

A BILL to be entitled an Act to amend Chapter 61 of Title 36 of the Official Code of Georgia Annotated, the "Urban Redevelopment Law," so as to provide for a moratorium upon the exercise of the power of eminent domain for purposes of urban development; to provide for exceptions; to provide a statement of legislative findings and a statement of intent; to provide for conflicts and construction; to provide for severability; to provide for applicability; to provide for automatic repeal; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

SB 394. By Senators Staton of the 18th, Shafer of the 48th, Chance of the 16th, Douglas of the 17th, Chapman of the 3rd and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to computer systems security, so as to prohibit persons from using the Internet or electronic mail to induce another to provide identifying information by falsely representing themselves to be a business without the authority or approval of the business; to provide definitions; to provide for penalties and sanctions; to provide for civil actions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

SB 398. By Senator Harp of the 29th:

A BILL to be entitled an Act to amend Code Section 17-7-131 of the Official Code of Georgia Annotated, relating to proceedings upon a plea of insanity or mental incompetency at the time of a crime, so as to change certain provisions relating to the court's instructions; to revise procedures related to psychiatric evaluations of defendants; to provide for a timeframe for forwarding the examination report to the Department of Corrections; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

SB 408. By Senators Hill of the 32nd, Rogers of the 21st and Smith of the 52nd:

A BILL to be entitled an Act to amend Code Section 24-10-130 of the Official Code of Georgia Annotated, relating to when depositions for preservation of evidence in criminal proceedings may be taken, so as to provide for the preservation of evidence of certain nationals of foreign states who have not been lawfully admitted for permanent residence in the United States; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

SB 409. By Senators Hamrick of the 30th, Smith of the 52nd and Wiles of the 37th:

A BILL to be entitled an Act to amend Article 13 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to contested elections and primaries, so as to require that the courts determine contested elections and primaries on an expedited basis; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

SB 435. By Senators Thomas of the 54th and Harp of the 29th:

A BILL to be entitled an Act to amend Code Section 49-3-3 of the Official Code of Georgia Annotated, relating to county directors of family and children services, so as to change certain provisions relating to the appointment of the county directors; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

SB 440. By Senators Hamrick of the 30th, Harp of the 29th, Kemp of the 46th, Shafer of the 48th and Schaefer of the 50th:

A BILL to be entitled an Act to amend Title 20 of the O.C.G.A., relating to education, so as to eliminate the to Construction Reserve Trust Fund and the appropriation of lottery funds to the fund; to eliminate the use of lottery funds for teacher training in computers and technology; to eliminate the use of lottery funds by the board of regents for training professors and instructors in computers and technology; to eliminate the use of lottery funds by the

Department of Technical and Adult Education for training teachers in computers and technology; to amend Code Section 50-27-3 of the O.C.G.A., relating to definitions regarding the lottery for education, so as to provide that the term "educational purposes and programs" shall not include capital outlay projects for educational facilities and teacher training in computers and technology; to provide for related matters; to provide for a contingent effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Higher Education.

SB 470. By Senators Wiles of the 37th, Stoner of the 6th, Hill of the 32nd and Rogers of the 21st:

A BILL to be entitled an Act to amend an Act creating the State Court of Cobb County, approved March 26, 1964 (Ga. L. 1964, p. 3211), as amended, particularly by an Act approved May 6, 2005 (Ga. L. 2005, p. 3872), so as to change the compensation of the solicitor-general; to change the provisions relating to the compensation of assistant solicitors; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

SR 686. By Senator Schaefer of the 50th:

A RESOLUTION designating the J. Alton Wingate, Sr., Memorial Parkway; and for other purposes.

Referred to the Committee on Transportation.

The following members were recognized during the period of Morning Orders and addressed the House:

Abdul-Salaam of the 74th and Brooks of the 63rd.

The following Resolutions of the House were read and referred to the Committee on Rules:

HR 1268. By Representatives O'Neal of the 146th, Ehrhart of the 36th, Burkhalter of the 50th, Burmeister of the 119th and Morris of the 155th:

A RESOLUTION commending Georgia's USGA Women's State team on winning the 2005 USGA Women's State Team Championship and inviting its

members to appear before the House of Representatives; and for other purposes.

HR 1269. By Representatives Jones of the 44th, Jacobs of the 80th, Henson of the 87th, Ashe of the 56th, Wilkinson of the 52nd and others:

A RESOLUTION commending the Jewish Federation of Greater Atlanta and inviting them to appear before the House of Representatives; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 719. By Representatives Lindsey of the 54th, Holmes of the 61st, Wilkinson of the 52nd and Ashe of the 56th:

A BILL to be entitled an Act to amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to change provisions relating to the maximum fines which may be imposed by municipal courts; to change provisions relating to the maximum fines which may be specified by municipalities exercising home rule powers; to specifically authorize municipalities to adopt ordinances specifying fines up to a certain maximum amount; to provide for such provisions to control over conflicting provisions of local laws; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Lindsey of the 54th moved that HB 719 be recommitted to the Committee on Judiciary Non-Civil.

On the motion the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Crawford	E Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	N Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
N Ashe	Y Day	Y Horne	Y McCall	E Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	E Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Ehrhart	Y James	Y Morris	Y Smith, B
Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
E Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Jennings	N Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	E Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V

N Bruce	Y Floyd, J	N Jones, S	Y Neal	N Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	N Stanley-Turner
Y Buckner, D	Y Forster	E Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	N Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
E Carter	Y Graves, T	Y Lane, R	N Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	E Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	N Heckstall	Y Maddox	Y Roberts	N Williams, R
Y Coleman, T	Y Hembree	Mangham	Y Rogers	Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the motion, the ayes were 145, nays 11.

The motion prevailed.

HB 728. By Representatives Franklin of the 43rd, Brooks of the 63rd, Jones of the 44th, Cooper of the 41st, Walker of the 107th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency management, so as to provide a short title; to define certain terms; to provide for a state-wide alert system for missing disabled adults; to provide for rules and regulations; to provide for cooperation with broadcasters; to provide for calling an alert; to provide for conditions; to provide that the Georgia Lottery Corporation shall devise a method of notifying vendors in an alert area of the alert; to provide for termination of an alert; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency management, so as to provide a short title; to define certain terms; to provide for a state-wide alert system for missing disabled adults; to provide for rules and regulations; to provide for cooperation with broadcasters; to provide for calling an alert; to provide for conditions; to provide that the Georgia Lottery Corporation shall devise a

method of notifying vendors in an alert area of the alert; to provide for termination of an alert; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency management, is amended by inserting at the end thereof a new article to read as follows:

"ARTICLE 7

38-3-110.

This article shall be known and may be cited as the 'Mattie's Call Act.'

38-3-111.

As used in this article, the term:

- (1) 'Alert system' means the state-wide 'Mattie's Call' alert system for missing disabled adults.
- (2) 'Disabled adult' means an adult who is developmentally impaired or who suffers from dementia or some other cognitive impairment.
- (3) 'Local law enforcement agency' means a local law enforcement agency with jurisdiction over the investigation of a missing disabled adult.

38-3-112.

With the cooperation of the office of the Governor, the Georgia Lottery Corporation, and other appropriate law enforcement agencies in this state, the department shall develop and implement a state-wide alert system to be activated on behalf of missing disabled adults.

38-3-113.

- (a) The director is the state-wide coordinator of the alert system.
- (b) The director shall adopt rules and issue directives as necessary to ensure proper implementation of the alert system. The rules and directives must include instructions on the procedures for activating and deactivating the alert system.
- (c) The director shall prescribe forms for use by local law enforcement agencies in requesting activation of the alert system.

38-3-113.1.

The staff of personal care homes shall call the local police department to report the elopement of any disabled person from the home within 30 minutes of the staff receiving actual knowledge that such person is missing from the home.

38-3-114.

- (a) The agency shall recruit public and commercial television and radio broadcasters, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the alert system.
- (b) The agency may enter into agreements with participants in the alert system to provide necessary support for the alert system.

38-3-115.

- (a) On notification by a local law enforcement agency that a disabled adult is missing, the director shall activate the alert system and notify appropriate participants in the alert system, as established by rule, if:
 - (1) A local law enforcement agency believes that a disabled adult is missing;
 - (2) A local law enforcement agency believes that the disabled adult is in immediate danger of serious bodily injury or death;
 - (3) A local law enforcement agency confirms that an investigation has taken place that verifies the disappearance and eliminates alternative explanations for the disabled adult's disappearance; and
 - (4) Sufficient information is available to disseminate to the public that could assist in locating the disabled adult.
- (b) The area of the alert may be less than state wide if the director determines that the nature of the event makes it probable that the disabled adult did not leave a certain geographic location.
- (c) The agency may modify the criteria described by subsection (a) of this Code section as necessary for the proper implementation of the alert system.

38-3-116.

Before requesting activation of the alert system, a local law enforcement agency must verify that the criteria described by subsection (a) of Code Section 38-3-115 have been satisfied. The local law enforcement agency shall assess the appropriate boundaries of the alert, based on the nature of the disabled adult and the circumstances surrounding the disappearance. On verification of the criteria, the local law enforcement agency shall immediately contact the agency to request activation and shall supply the necessary information on the forms prescribed by the director.

38-3-117.

- (a) A state agency participating in the alert system shall:
 - (1) Cooperate with the department and assist in developing and implementing the alert system; and
 - (2) Establish a plan for providing relevant information to its officers, investigators, or employees, as appropriate, once the alert system has been activated.
- (b) The Georgia Lottery Corporation is directed to develop a method of notifying its vendors within an alert area of an alert in a manner designed to disseminate alert information to customers at its retail locations.

38-3-118.

The director shall terminate any activation of the alert system with respect to a particular disabled adult if:

- (1) The adult is located or the disappearance is otherwise resolved; or
- (2) The director determines that the alert system is no longer an effective tool for locating and recovering the disabled adult."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Crawford	E Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	E Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
N Black	Ehrhart	Y James	Y Morris	Y Smith, B
Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
E Borders	Y Epps	Y Jenkins	Y Mosley	Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	E Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	E Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Burkhalter	Y Freeman	Kidd	Y Parham	Y Talton
Y Burmeister	Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
E Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	N Ray	Y Watson
Y Channell	Harbin	Y Lord	Y Reece, B	Y Wilkinson
Cheokas	E Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
N Coleman, T	Y Hembree	Mangham	Y Rogers	Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 147, nays 3.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Cheokas of the 134th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 912. By Representative Fleming of the 117th:

A BILL to be entitled an Act to amend Code Section 9-11-34 of the Official Code of Georgia Annotated, relating to production of documents and things and entry upon land for inspection and other purposes, so as to change certain provisions relating to applicability to nonparties; to provide that silence may act as a waiver under certain circumstances; to change certain provisions relating to confidentiality; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To amend Code Section 9-11-34 of the Official Code of Georgia Annotated, relating to production of documents and things and entry upon land for inspection and other purposes, so as to change certain provisions relating to applicability to nonparties; to provide that when a nonparty is not served with an objection and the nonparty produces records, the nonparty shall be immune from civil or criminal liability for disclosing confidential information; to change certain provisions relating to confidentiality; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 9-11-34 of the Official Code of Georgia Annotated, relating to production of documents and things and entry upon land for inspection and other purposes, is amended by striking subsections (c) and (d) and inserting in lieu thereof the following:

"(c) *Applicability to nonparties.*

(1) This Code section shall also be applicable with respect to discovery against persons, firms, or corporations who are not parties, in which event a copy of the request shall be served upon all parties of record; or, upon notice, the party desiring such discovery may proceed by taking the deposition of the person, firm, or corporation on oral examination or upon written questions under Code Section 9-11-

30 or 9-11-31. The nonparty or any party may file an objection as provided in subsection (b) of this Code section. If the party desiring such discovery moves for an order under subsection (a) of Code Section 9-11-37 to compel discovery, he or she shall make a showing of good cause to support his or her motion.

(2) This Code section shall also be applicable with respect to discovery against a nonparty who is a practitioner of the healing arts or a hospital or health care facility, including those operated by an agency or bureau of the state or other governmental unit. Where such a request is directed to such a nonparty, a copy of the request shall be served upon the person whose records are sought by certified mail or statutory overnight delivery, return receipt requested, or, if known, that person's counsel, and upon all other parties of record,~~and in compliance with Code Section 9-11-5;~~ where such a request to ~~such~~ a nonparty seeks the records of a person who is not a party, a copy of the request shall be served upon ~~all parties of record,~~ the person whose records are sought,~~and,~~ by certified mail or statutory overnight delivery, return receipt requested, or, if known, that person's counsel by certified mail or statutory overnight delivery, return receipt requested, and upon all parties of record in compliance with Code Section 9-11-5; or, upon notice, the party desiring such discovery may proceed by taking the deposition of the person, firm, or corporation on oral examination or upon written questions under Code Section 9-11-30 or 9-11-31. The nonparty, any party, or the person whose records are sought may file an objection with the court in which the action is pending within 20 days of service of the request and shall serve a copy of such objection on the nonparty to whom the request is directed, who shall not furnish the requested materials until further order of the court, and on all other parties to the action. Upon the filing of such objection, the party desiring such discovery may move for an order under subsection (a) of Code Section 9-11-37 to compel discovery and, if he or she shall make a showing of good cause to support his or her motion, discovery shall be allowed. If no objection is filed within ~~ten~~ 20 days of service of the request, the nonparty to whom the request is directed shall promptly comply therewith.

(3) For any discovery requested from a nonparty pursuant to paragraph (2) of this subsection or a subpoena requesting records from a nonparty pursuant to Code Section 9-11-45, when the nonparty to whom the discovery request is made is not served with an objection and the nonparty produces the requested records, the nonparty shall be immune from civil or criminal liability or damages notwithstanding that the produced documents contained confidential or privileged information.

(d) *Confidentiality.* The provisions of this Code section shall not be deemed to repeal the confidentiality provided by Code Sections 37-3-166 concerning mental illness treatment records, 37-4-125 concerning mental retardation treatment records, ~~and~~ 37-7-166 concerning alcohol and drug treatment records, 24-9-40.1 concerning the confidential nature of AIDS information, and 24-9-47 concerning the disclosure of AIDS information; provided, however, that a person's failure to object to the production of documents as set forth in paragraph (2) of subsection (c) of this Code section shall

waive any right of recovery for damages as to the nonparty for disclosure of the requested documents."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representatives Willard of the 49th and Fleming of the 117th move to *amend the Committee substitute to HB 912 by adding to the end of line 22 of page 1 the following:*

The party making a request under this Code section shall, upon request from any other party to the action, make all reasonable efforts to cause all information produced in response to the nonparty request to be made available to all parties. A reasonable document copying charge may be required.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Crawford	E Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	Y Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	E Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Ehrhart	Y James	Y Morris	Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
E Borders	Y Epps	Y Jenkins	Y Mosley	Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	E Smith, T
Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	E Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
E Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren

Y Chambers	Y Hanner	Y Lindsey	Ray	Watson
Y Channell	Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	E Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Rogers	Wix
Y Cooper	Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 153, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

Representatives Rogers of the 26th, Smith of the 113th, and Stephenson of the 92nd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

By unanimous consent, HB 1022 was postponed until the next legislative day.

The following Resolutions of the House were read and adopted:

HR 1274. By Representative Hill of the 21st:

A RESOLUTION commending Dr. David R. Murray; and for other purposes.

HR 1275. By Representative Hill of the 21st:

A RESOLUTION commending Raymond Rollins; and for other purposes.

HR 1276. By Representatives Watson of the 91st, Brooks of the 63rd, Smyre of the 132nd, Hugley of the 133rd, Stephenson of the 92nd and others:

A RESOLUTION honoring the legacy of Mrs. Rosa Parks and recognizing February 6, 2006, as "Rosa Parks Day"; and for other purposes.

HR 1277. By Representative Hill of the 21st:

A RESOLUTION commending Carrie L. Budd; and for other purposes.

HR 1278. By Representative Hill of the 21st:

A RESOLUTION commending Dr. William L. Early; and for other purposes.

HR 1279. By Representatives Murphy of the 120th and Howard, E. of the 121st:

A RESOLUTION remembering and honoring the life of Dr. Arthur Herndon Shaw; and for other purposes.

Representative Forster of the 3rd District, Chairman of the Committee on Interstate Cooperation, submitted the following report:

Mr. Speaker:

Your Committee on Interstate Cooperation has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 1067 Do Pass, by Substitute

Respectfully submitted,
/s/ Forster of the 3rd
Chairman

The Speaker Pro Tem announced the House in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned, pursuant to the adjournment Resolution previously adopted by the House and Senate, until 10:00 o'clock, A.M., Wednesday, February 8, 2006.